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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/004,318	11/02/2001	John Joseph King	LF101US	8272

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John J. King
1481 Cantigny Way
Wheaton, IL 60187

EXAMINER	
NGUYEN, DUC M	

ART UNIT	PAPER NUMBER
2685	

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17

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)
10/004,318	King et al
Examiner	**Art Unit**
Duc M. Nguyen	2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *Dec 9, 2003* .

2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-20* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some* c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____ .
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
4) ☐ Interview Summary (PTO-413) Paper No(s). _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other:

DETAILED ACTION

This action is in response to applicant's response filed on 12/9/03. Based on Applicant's response, and in order to better prosecute the application in accordance with Applicant's argument, the finality of the Office Action mailed on 1/20/03 is withdrawn. Claims 1-20 are now pending in the present application. **This action is made final.**

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for accessing the "entry program" stored at the website remotely from the cellular phone (see specification, **pages 10, lines 29-33**), does not reasonably provide enablement for "changing the display of the plurality of picture file on the cellular phone remotely from the cellular phone" as claimed, or as argued by the Applicant on the response filed on 12/9/03. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention commensurate in scope with these claims. Accordingly, based on the specification, the user can display picture files or changing the display of picture files based on input keypads located at the cellular phone, **not** using another device to **command** the cellular phone to display picture files.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims **1-8, 11, 13-14, 16-19** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Lekvena** (PCT Pub. Number **WO 00/25501**) in view of **Shaughnessy et al** (US Pat. Number **5,928,325**).

Regarding claim **1, Lekvena** discloses a graphic user interface for a wireless communication device (cellular phone, see col. 1, lines 8-9) for simultaneously displaying a plurality of graphic images (picture files) associated with telephone numbers (see Abstract, Figs. 3-4 and col. 9, lines 9-20), comprising :

- receiving a plurality of picture files as claimed (see col. 6, line 32 - col. 7, line 5 and col. 12, lines 32-36);

- storing a plurality of picture files as claimed (see col. 7, lines 1-5);

- displaying a plurality of picture files as claimed (see Figs. 3-4 and col. 9, lines 9-20);

- downloading picture files based upon input from a user entered remote from said cellular phone (see col. 12, line 32 - col. 13, line 12);

However, **Lekvena** fails to disclose the downloading is performed by way of a telecommunication network. However, since **Lekvena** disclose the picture files are downloaded

from a computer, and since sending/receiving email messages including digital images for cellular phones are known in the art as disclosed by **Shaughnessy** (see col. 6, lines 18-24), it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the above teachings of **Shaughnessy** into **Lekvena** for downloading digital images using email messages as well, for eliminating the need of a physical connection such as input interfaces. Here, by updating picture files associated with telephone numbers via email messages from a computer, the picture files are updated/changed according to the user input entered remotely from the cellular phone by way of a telecommunication network. Therefore, when the user inputs a command to display picture files, the display of picture files would be changed in accordance with updated picture files, this would read on the limitation of changing the display of picture files by way of a telecommunication network as interpreted from the specification, pages 10, lines 29-33.

Regarding claim **11**, it is rejected for the same reason as set forth in claim **1** above. In addition, since **Lekvena** as modified would disclose the picture files are received in an e-mail message, it is clear that such email message is delivered to the cellular phone via the telecommunication network of its service provider, this would read on the limitation "by way of a service provider" as claimed.

Regarding claim **16**, it is rejected for the same reason as set forth in claim **1** above. In addition, since downloading images or information on Internet to a computer from a website of an information service provider is well known in the art of World Wide Web, and since any

downloaded image of interest could be used by the user in **Lekvena's** reference for sending this image from the computer to the cellular phone via emails, for displaying the downloaded image with some associated telephone numbers as well (i.e, a scene of the Rocky Mountain in Colorado could be used for displaying with phone numbers having area code 303), it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above teachings of **Shaughnessy** and **Lekvena** for downloading digital images to the cellular phone from Internet Websites for providing a method as claimed, for obtaining images of interest from Internet for entertainments.

Regarding claims **2-4**, the claims are interpreted and rejected for the same reason as set forth in claim **1** above.

Regarding claim **5, 12**, it is rejected for the same reason as set forth in claims **1, 11** above. In addition, **Lekvena** discloses a circuit for downloading picture files from a remote device by a wireless (RF) protocol from telecommunication networks (see col. 7, lines 1-5);

Regarding claims **6, 13, 18**, they are rejected for the same reason as set forth in claims **1, 11, 16** above. In addition, since sending/receiving a picture or file as an attachment to an e-mail message is well known, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the above teachings of **Lekvena** and **Shaughnessy** for downloading picture files as an attachment to an email message as well, so that the picture files could be effectively saved into a memory at user's choice.

Regarding claims **7, 17**, they are rejected for the same reason as set forth in claim **1** above. In addition, it is clear that when receiving an updated picture file for an associated phone number, the updated picture file would be displayed with other picture files in the GUI as shown in Figs. 3-4 of **Lekvena**'s reference.

Regarding claims **8, 14, 19**, they are rejected for the same reason as set forth in claim **1** above. In addition, **Lekvena** discloses displaying content information (telephone numbers) with picture files (see col. 9, lines 9-20 and col. 13, lines 22-34).

5. Claims **1-6, 8-20** are rejected under 35 U.S.C. 103(a) as being unpatentable by **Rossmann** (US Pat. Number **5,809,415**) in view of **Wells** (US Pat. Number **5,870,683**).

Regarding claims **1, 10, Rossmann** discloses a method for allowing a communication device such as cellular phones being able to access and retrieve information or application programs stored at a remote computer server of a service provider (see Figs. 1, 5 and col. 3, line 25 - col. 6, line 67). Although **Rossmann** fails to disclose the retrieving of a program that displays a plurality of picture files on the cellular phone, it is noted that a program that displays a plurality of picture files (i.e, animation sequences) such as a screen saver program is well known in the art as disclosed by **Wells** (see graphical information sequences GIS in Abstract, Figs. 3A - 4C and col. 3, line 54 - col. 10, line 55). Further, since accessing a remote server from a computer for reconfiguring an application program is well known, and since **Rossmann** discloses application programs are stored at remote computer servers which are accessible from several

telecommunication networks such as WAN, Internet (see Figs. 1, 5), it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of **Wells** to **Rossmann** for providing a screen saver program for displaying a plurality of picture files (graphical information sequences GIS) as claimed for user's entertainment, and further modifying **Wells** and **Rossmann** for remotely accessing the screen saver program from a computer to replace or select new GIS for the screen saver program as well, for utilizing advantages provided by the computer keyboards when changing images of the GIS of the screen saver program. Therefore, by remotely accessing the screen saver program from a computer to replace (or updating) the GIS of the screen saver program, the plurality of picture files (or graphical information sequences GIS) would be changed based upon input from a user entered remote from the cellular phone by way of a telecommunication network as claimed.

Regarding claims **11, 16**, the claims are rejected for the same reason as set forth in claim **1** above. In addition, since **Rossmann** disclose the computer server is located at a website of a service provider (see Fig. 5), **Rossmann** as modified would disclose the plurality of picture files (or graphical information sequences GIS) would be changed based upon input from a user entered remote from the cellular phone by way of a website of a service provider as claimed.

Regarding claims **2-5, 12,** they are rejected for the same reason as set forth in claim **1** above. In addition, since sending/receiving email messages including digital images for cellular phones are known in the art (Official Notice), it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modifying **Wells** and **Rossmann** for

downloading or receiving a picture file from email as claimed, for utilizing advantages provided by e-mail protocol format, whereas it is clear that such email message would employ a wired protocol of the computer LAN and a wireless protocol of the cellular network.

Regarding claims **6, 13, 18**, they are rejected for the same reason as set forth in claims **2, 11, 16** above. In addition, since sending/receiving a picture or file as an attachment to an e-mail message is well known, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify the above teachings of **Wells** and **Rossmann** for downloading picture files as an attachment to an email message as well, so that the picture files could be effectively saved into a memory at user's choice.

Regarding claims **8, 14, 19,** they are rejected for the same reason as set forth in claims **1, 11, 16** above. In addition, it is clear that **Rossmann** as modified would disclose displaying content information with picture file (see **Wells**, col. 3, line 54 - col. 4, line 10).

Regarding claims **9,** they are rejected for the same reason as set forth in claim **1** above. In addition, it is clear that **Rossmann** as modified would disclose a user interface and program for enabling display of a predetermined picture file (see **Wells**, Fig. 1, ref. 22, col. 3, line 25 - col. 4, line 10, col. 10, lines 3-25).

Regarding claims **10, 15, 17, 20,** the claims are interpreted and rejected for the same reason as set forth in claims **1, 11, 16** above.

Response to Arguments

6. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. **Any response to this final action should be mailed to:**

Box A.F.

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for formal communications intended for entry)

(for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist).

Any inquiry concerning this communication or communications from the examiner should be directed to Duc M. Nguyen whose telephone number is (703) 306-4531, Monday-Thursday (9:00 AM - 5:00 PM). Or to Edward Urban (Supervisor) whose telephone number is (703) 305-4385.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Duc M. Nguyen

Dec 27, 2003